HOUSE BILL No. 1157

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DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33-49.

Synopsis: Marion superior court. Increases the number of judges on the Marion superior court from: (1) 32 to 34 judges beginning January 1, 2007; and (2) 34 to 36 judges beginning January 1, 2009. Increases the total number of magistrates that a majority of the Marion superior court may appoint from: (1) four to six until January 1, 2008; and (2) six to eight beginning January 1, 2008. (The introduced version of this bill was prepared by the commission on courts.)

Effective: Upon passage.

Richardson

January 5, 2006, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1157

  A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 33-33-49-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) There is
3 established a superior court in Marion County. The court consists of:
4 ~~thirty-two (32)~~
5   **(1) thirty-four (34)** judges **beginning January 1, 2007 and**
6   **ending December 31, 2008; and**
7   **(2) thirty-six (36) judges beginning January 1, 2009.**
8   (b) To be qualified to serve as a judge of the court, a person must
9 be, at the time a declaration of candidacy or a petition of nomination
10 under IC 3-8-6 is filed:
11   (1) a resident of Marion County; and
12   (2) an attorney who has been admitted to the bar of Indiana for at
13   least five (5) years.
14   (c) During the term of office, a judge of the court must remain a
15 resident of Marion County.
16   SECTION 2. IC 33-33-49-13, AS AMENDED BY P.L.2-2005,
17 SECTION 93, AND AS AMENDED BY P.L.58-2005, SECTION 35,

1 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge of the court
3 shall be elected for a term of six (6) years that begins January 1 after
4 the year of the judge's election and continues through December 31 in
5 the sixth year. The judge shall hold office for the six (6) year term or
6 until the judge's successor is elected and qualified. A candidate for
7 judge shall run at large for the office of judge of the court and not as a
8 candidate for judge of a particular room or division of the court.
9 (b) Beginning with the primary election held in ~~1996~~ **2008** and
10 every six (6) years thereafter, a political party may nominate not more
11 than ~~eight (8)~~ **nine (9)** candidates for judge of the court. Beginning
12 with the primary election held in ~~2000~~ **2006** and every six (6) years
13 thereafter, a political party may nominate not more than ~~nine (9)~~ **ten**
14 **(10)** candidates for judge of the court. The candidates shall be voted on
15 at the general election. Other candidates may qualify under IC 3-8-6 to
16 be voted on at the general election.
17 (c) The names of the party candidates nominated and properly
18 certified to the Marion County election board, along with the names of
19 other candidates who have qualified, shall be placed on the ballot at the
20 general election in the form prescribed by ~~IC 3-11-2.~~ *IC 3-11.*
21 Beginning with the ~~1996~~ **2008** general election and every six (6) years
22 thereafter, persons eligible to vote at the general election may vote for
23 ~~fifteen (15)~~ **seventeen (17)** candidates for judge of the court. Beginning
24 with the ~~2000~~ **2006** general election and every six (6) years thereafter,
25 persons eligible to vote at the general election may vote for ~~seventeen~~
26 ~~(17)~~ **nineteen (19)** candidates for judge of the court.
27 (d) The candidates for judge of the court receiving the highest
28 number of votes shall be elected to the vacancies. The names of the
29 candidates elected as judges of the court shall be certified to the county
30 election board as provided by law.
31 SECTION 3. IC 33-33-49-32, AS AMENDED BY P.L.33-2005,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 32. (a) In addition to the magistrate appointed
34 under section 31 of this chapter, the judges of the superior court may,
35 by a vote of a majority of the judges, appoint: ~~four (4)~~
36 **(1) six (6)** full-time magistrates under IC 33-23-5 **until January**
37 **1, 2008, not more than three (3) of whom may be from the**
38 **same political party; and**
39 **(2) eight (8) full-time magistrates under IC 33-23-5 after**
40 **December 31, 2007, not more than four (4) of whom may be**
41 **from the same political party.**
42 ~~(b) Not more than two (2) of the magistrates appointed under this~~

1 section may be of the same political party.

2 (c) **(b)** The magistrates continue in office until removed by the vote
3 of a majority of the judges of the court.

4 (d) **(c)** A party to a superior court proceeding that has been assigned
5 to a magistrate appointed under this section may request that an elected
6 judge of the superior court preside over the proceeding instead of the
7 magistrate to whom the proceeding has been assigned. A request under
8 this subsection must be in writing and must be filed with the court:

9   (1) in a civil case, not later than:
10   (A) ten (10) days after the pleadings are closed; or
11   (B) thirty (30) days after the case is entered on the
12   chronological case summary, in a case in which the defendant
13   is not required to answer; or
14   (2) in a criminal case, not later than ten (10) days after the
15   omnibus date.

16 Upon a timely request made under this subsection by either party, the
17 magistrate to whom the proceeding has been assigned shall transfer the
18 proceeding back to the superior court judge.

19 SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The thirty-third**
20 **and thirty-fourth judges of the Marion superior court added by**
21 **IC 33-33-49-6, as amended by this act, shall be elected at the**
22 **general election on November 7, 2006, for terms beginning January**
23 **1, 2007, and ending December 31, 2012. At the primary election**
24 **held in 2006, a political party may nominate not more than ten (10)**
25 **candidates for judge of the court. Notwithstanding IC 3-8-2-4, a**
26 **candidate to be elected a judge of the court at the 2006 general**
27 **election may file a declaration of candidacy for the 2006 primary**
28 **election not later than noon March 31, 2006. Other candidates may**
29 **qualify under IC 3-8-6 to be voted on at the general election. The**
30 **candidates shall be voted on at the general election. At the 2006**
31 **general election, persons eligible to vote at the general election may**
32 **vote for nineteen (19) candidates for judge of the court.**

33 **(b) The thirty-fifth and thirty-sixth judges of the Marion**
34 **superior court added by IC 33-33-49-6, as amended by this act,**
35 **shall be elected at the general election on November 4, 2008, for**
36 **terms beginning January 1, 2009, and ending December 31, 2014.**
37 **At the primary election held in 2008, a political party may**
38 **nominate not more than nine (9) candidates for judge of the court.**
39 **Other candidates may qualify under IC 3-8-6 to be voted on at the**
40 **general election. The candidates shall be voted on at the general**
41 **election. At the 2008 general election, persons eligible to vote at the**
42 **general election may vote for seventeen (17) candidates for judge**

1   **of the court.**
2   **(c) This act may not be construed to affect the term of any judge**
3   **serving on the Marion superior court on the effective date of this**
4   **act.**
5   **(d) This SECTION expires January 2, 2015.**
6   SECTION 5. **An emergency is declared for this act.**

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